

## REMARKS

Claims 1-8, 14-20 and 25-27 are pending. Claims 12, 13 and 21-24 have been withdrawn from consideration. Claims 7-8 and 25-27 have been cancelled. Claims 1-6, 12-15, 18-19 and 21 have been amended. Claims 12-13 have been amended to replace the phrase “in humans and animals” with “in a human or an animal.” No new matter is added by the amendments.

### I. Priority

A certified copy of the foreign priority document, European patent application no. 04002144.6, will be filed under 35 U.S.C. § 119(b) subsequent to the filing of this paper.

### II. Specification

Representative for Applicant has reviewed the specification for minor errors as the Examiner has requested. See Office Action, page 2. Typographical errors have been corrected as shown by the replacement paragraphs provided in the Amendment to the Specification above.

### III. Claim Objections

Claims 1-8 and 25-27 have been objection to for reciting the term “imidazo[1,2-c]pyrimidinylacetic acid derivative.” See Office Action, page 2. This term has been replaced with the term “compound” as requested by the Examiner. Therefore, Applicant requests that the objection to the claims be withdrawn.

### IV. Claim Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1-8, 14-20 and 25-27 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly lacking enablement for esters, hydrates and solvates of the compounds of the instant claims. See Office Action, page 3. While Applicant disagrees with the reasons provided for the instant rejection, the terms “ester,” “solvate” and “hydrate” have been deleted from the instant claims in order to expedite allowance of the claims.

However, the Office Action acknowledges that of esters of the acetic acid group of the claimed compounds are enabled. See Office Action, page 4. Accordingly, claims 1 and 4 have been amended to introduce “Z<sup>1</sup>” as defined at page 13, line 8 of the specification. Preparation of such esters is described, for example, in the reaction schemes titled “[Method A],” “[Method B],” “[Method C]” etc., to “[Method I]” at pages 13-26 of the specification. As described in each of Methods A – I, the substituent “Z<sub>1</sub>” attached to the carboxylate group of the pyrimidine

ring, forming an ester of the compounds as recited in claim 1. *See* pages 13 and 16-26. Because the final step of each reaction scheme of Methods A-I is the removal of the Z<sub>1</sub> group, the specification enables the preparation of esters of the compounds of claim 1 because one of ordinary skill in the art would be able to prepare such esters by simply stopping at the second-to-last step of the synthesis (*i.e.*, by not removing Z<sub>1</sub>). Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

#### **V. Claim Rejections under 35 U.S.C. § 112, Second Paragraph**

Claims 7, 8, 14-19 and 25-27 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly being indefinite. *See* Office Action, page 9. Applicant disagrees with the rejection.

Claim 8 is rejected as allegedly reciting an intended use. *Id.* Without acquiescing to the propriety of the rejection, claim 8 has been cancelled in order to expedite allowance of the instant claims.

Claims 7 and 14-19 are rejected for reciting the term “excipient” because the term allegedly lacks antecedent basis. Claims 6, 14, 15, 18 and 19 have been amended to recite the phrase “and one or more pharmaceutically acceptable excipients.” Claim 7 has been cancelled. Claim 14 has been amended to depend from claim 6. Thus, Applicant requests that the rejection be withdrawn.

Claims 25-27 have been cancelled, therefore the rejection of those claims is moot.

#### **VI. Double Patenting**

Claim 8 has been cancelled, therefore the double patenting rejection is moot.

## VII. Conclusion

In view of the amendments and remarks above, Applicant submits that the instant claims are in condition for allowance. No fees are believed due in connection with this Response. However, pursuant to 37 C.F.R. § 1.136(a)(3), the Commissioner is authorized to charge all required fees, fees under 37 C.F.R. § 1.17, and all required extension of time fees, or credit any overpayment, to Jones Day, U.S. Deposit Account No. 503013 (Order No. 129955-999006).

If the Examiner believes it would be useful to advance prosecution, the Examiner is invited to telephone the undersigned at (858) 314-1200.

Respectfully submitted,

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